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c 246 Public Libraries Act

Ontario

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CHAPTER 246.

The Public Libraries Act.

1. In this Act,—

Interpreta-
tion.

- (a) "Board" in Part I shall mean a public library board, in Part II shall mean a board of management of a public library association, and in Part III shall include both; "Board."
- (b) "Branch library" shall mean a library maintained as a subsidiary agency and in the same municipality as a public library; "Branch library."
- (c) "Library" shall mean a collection of books which may comprise periodicals, magazines and other printed works for circulation or reference and shall include branch libraries, reading rooms, museums, printing and binding bureaux and plants which may be established or used in connection with a library; "Library."
- (d) "Minister" shall mean Minister of Education; "Minister."
- (e) "Regulations" shall mean regulations made under the authority of this Act or *The Department of Education Act*. 1920, c. 69, s. 2. "Regulations." Rev. Stat. c. 322.

PART I.

Application of Part.

2. The provisions of this Part shall apply to every free public library maintained in whole or in part by municipal taxation and established under the provisions of this Part or under the provisions of any Act for which this Part is substituted. 1920, c. 69, s. 3. Application of Part I to free public libraries.

Establishment of Free Public Libraries.

3. A public library may be established in a city, town, village, police village, township, or school section under the conditions and in the manner hereinafter provided. 1920, c. 69, s. 4. Where library may be established.

Cities, Towns and Villages.

Petition
for estab-
lishment of
library in
city, town
or village.
Rev. Stat.
c. 233.

4. The council of a city, town or village may, and upon the receipt of a petition (Form 1) signed, in the case of a city or town by at least sixty, and in the case of a village by at least thirty municipal electors, shall prepare and submit to the electors in the manner provided by *The Municipal Act*, a by-law (Form 2), for the establishment of a public library. 1920, c. 69, s. 5.

Townships.

In township.

5.—(1) The municipal council of a township may and upon receipt of a petition (Form 1) signed by at least sixty municipal electors exclusive of those resident within a police village that is not situate wholly in the township, shall prepare and submit to the electors of the township exclusive of those resident within a police village that is not situate wholly in the township, in the manner provided by *The Municipal Act* a by-law (Form 2) for the establishment of a public library.

Police
village,
when not
included.

(2) No part of any police village situate in more than one township shall be subject to taxation for any public library established for a township.

When
included.

(3) Where a township contains a police village or police villages, every such police village shall be considered as part of the township for the purpose of establishing a public library under this Part, and any public library established by a police village situate in a township shall, upon the establishment of a township public library, become part of such library, but the property of the police village library shall not be removed from the police village. 1920, c. 69, s. 6.

Police Villages.

In police
villages.

6. The municipal council of a township or the municipal councils of townships in which a police village is situate, upon receipt of a petition (Form 1), signed by at least thirty voters resident in the police village, shall prepare and submit to the electors in the police village in the manner provided by *The Municipal Act*, a by-law (Form 2) for the establishment of a public library therein. 1920, c. 69, s. 7.

Rev. Stat.
c. 233.

Duty of Council as to passing By-law.

When
council
to pass
by-law.

7.—(1) Where a by-law submitted to the electors under this Part receives the assent of a majority of the electors voting thereon, it shall be the duty of the council, or in the case of a police village situate in more than one township, it shall be the duty of the councils of the townships to pass such by-law without unnecessary delay, and it shall be the duty of the head of every council and of the clerk, to sign such by-law.

(2) The clerk of the municipality or the clerks of each of the municipalities in which a by-law has been voted upon by the electors and has received the assent of the electors, shall forthwith give notice to the Minister in writing of the number of votes for, and the number of votes against, the by-law in the municipality of which he is clerk. Notice of vote to be given to Minister.

(3) Where the by-law does not receive the assent of the electors no new by-law for the same purpose shall be submitted to the electors in the same calendar year. 1920, c. 69, s. 8. When by-law defeated.

School Sections.

8.—(1) A public library may be established in any rural school section or in a union school section. 1920, c. 69, s. 9 (1); 1925, c. 63, s. 2. Establishment in school section.

(2) The petition for the establishment of a public library in a school section shall be in a form to be supplied by the Minister (Form 3) and shall be signed by a majority of the public and separate school supporters in the section, and upon filing the petition with an affidavit of the due execution thereof with the clerk of the township or the clerks of the townships in which such section or union school section is situate, or where the section or union school section is situate in unorganized territory with the school trustees of the section, the township clerk or township clerks, or the secretary of the school trustees as the case may be, shall examine the same, and if it is found that the petition contains the names of a majority of the public and separate school supporters in the section or union section, shall give notice in writing to the public school trustees and to the separate school trustees, if any, in the school section or union section of the filing of the petition. Petition.

(3) Upon receipt of such notice it shall be the duty of the trustees to make appointments to the board of the public library as hereinafter provided. Appointment to board.

(4) The clerk or secretary, as the case may be, shall forthwith give notice in writing to the Minister of the filing of the petition. Notice to Minister.

(5) A public library established in a school section or in a union school section shall become disestablished,— Disestablishment of public library in school section.

- (a) when the township or one of the townships in which it is situate establishes a public library in which case the library established by the school section, if in a school section wholly situate in the township, shall become part of the township library, and if only partly situate therein the assets of the school section library may be distributed as the Minister may direct;

- (b) when a petition demanding the disestablishment of a public library is signed by a majority of the public and separate school supporters of the school section or union school section and is filed with an affidavit of the due execution thereof with the clerk of the township or with the clerk of each of the townships in which the section or union section is situate, or in case of a union section not situate in an organized township, with the secretary of the school trustees of the section, it shall be the duty of the clerk, or of each of the clerks, or of the secretary, as the case may be, to give notice in writing to the Minister of the disestablishment of the library. 1920, c. 69, s. 9 (2-5).

Taking over Assets of Library Associations.

Transfer of
assets of
library asso-
ciation or
mechanics'
institute
to board.

9. A library association established under Part II of this Act or under any former Act relating to mechanics' institutes or library associations, may by resolution passed at an annual meeting of the association or at a meeting specially called for the purpose, declare its desire that the library of the association be transferred to a public library board appointed in the manner provided by this Part, and thereupon a public library board may be appointed and the assets and property of the association may be transferred to it and the necessary by-laws may be passed for that purpose and for the establishment of the library as a public library under this Part, but it shall not be necessary to submit such by-law to the electors. 1920, c. 69, s. 10.

Union Boards for Public Library Purposes.

Agreements
for united
action
by boards.

10.—(1) Subject to the regulations and to the approval of the Minister, the boards of two or more public libraries, with the consent of the municipal councils by which such boards were established, may enter into agreements for the establishment of a union library with or without branches and with or without distributing stations in one or more places agreed upon by the boards.

Terms of
agreement.

(2) The agreement shall specify the proportion of the cost of the establishment and maintenance of the union public library to be borne and paid by each of the boards or shall provide for the manner in which such proportion shall be determined, and shall further provide for the manner in which the assets of the union library shall be divided or disposed of in case of a dissolution of the board. 1920, c. 69, s. 11.

Contracts with Board for Library Service.

Agreement
for inter-
change of
library
service.

11. Subject to the regulations and the approval of the Minister and with the consent of the councils by which the boards were established, any two boards may enter into an agreement by which one of them shall receive library service

from the other for part or all of the municipality, police village or school section as the case may be, but the board receiving such service shall not be entitled to representation on the board by which such service is rendered. 1920, c. 69, s. 12.

12. Subject to the regulations and to the approval of the Minister, any municipality, police village or school section for which a public library has not been established, may enter into an agreement with a public library board for securing public library services. 1920, c. 69, s. 13.

Agreements
for securing
public
library
services.

Public Library Boards.

13. The general management, regulation and control of the library shall be vested in a board which shall be a body corporate by the name of "The Public Library Board" (*inserting the name of the municipality, police village or school section, as the case may be*). 1920, c. 69, s. 14.

Public
library
board.

14. Except as otherwise provided by this Act no person who is a member of any one of the bodies entitled to appoint shall be qualified to be a member of the board and no person shall be appointed a member of the board who is not a British subject or who is less than twenty-one years of age, or is not a resident of the municipality, police village or school section, except that in the case of an urban municipality a person may be appointed on the board who is resident in a district adjacent thereto where he is an elector in the municipality in which the library is situate. 1920, c. 69, s. 15.

Necessary
qualifica-
tions for
board.

Appointments in Cities, Towns and Villages.

15.—(1) The board in a city, town or village shall be composed of the mayor in the city or town, or the reeve of a village and three members to be appointed by the council, three to be appointed by the public school board or board of education qualified to deal with public school affairs in the municipality and two by the separate school board, if any.

Mode of
appointment
in cities,
towns and
villages.

(2) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the 1st day of February after his appointment, one until the 1st day of February of the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall be appointed to hold office until the 1st day of February after his appointment, and one until the 1st day of February in the following year; but every member shall continue to hold office until his successor is appointed.

Term of
office of
first
members.

Of subsequent members.

(3) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the 1st day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the 1st day of February in the year in which he is appointed. 1920, c. 69, s. 16.

Appointments in Police Villages.

In police villages.

16.—(1) The board in a police village shall be composed of the chairman of the board of police trustees, and two persons appointed by the police trustees, two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Term of office of first members.

(2) Of the members first appointed by the police trustees and public school board or boards and the separate school board, if any, respectively, one shall be appointed to hold office until the 1st day of February after his appointment, and one until the 1st day of February in the following year, but every member shall continue to hold office until his successor is appointed.

Of subsequent members.

(3) Subject to the foregoing provisions, each of the members appointed to the board in a police village shall hold office for two years from the 1st day of February, in the year in which he is appointed. 1920, c. 69, s. 17.

Appointments in Townships.

In townships, annual appointments.

17. The board in a township shall be composed of the reeve of the township and four members appointed by the township council, one of whom shall be a separate school supporter if there is a separate school in the township, and the appointments shall be made annually, but every member shall continue to hold office until his successor is appointed. 1920, c. 69, s. 18.

Appointments in School Sections.

In school sections.

18. The board in a school section shall be composed of five persons, all of whom shall be appointed by the public school trustees where there is no separate school and where there is a separate school three members shall be appointed by the public school trustees and two members by the separate school trustees, and the appointments shall be made annually. 1920, c. 69, s. 19.

How a Board of a Union Library shall be Composed.

Union boards.

19. The board of a union of public libraries shall be composed of the boards of the public libraries forming the union and the two or more boards shall organize as one board. 1920, c. 69, s. 20.

Time for Appointments.

20. The first appointment of members shall be made at the first meeting of the appointing body, after the final passing of the by-law, and in the case of a school section, after the filing of the petition, and the annual appointments thereafter shall be made at the first meeting of the appointing body, after the 1st day of January in each year, and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, the same shall be made as soon as may be thereafter. 1920, c. 69, s. 21.

Time for
making
appoint-
ments.

Vacancies and Disqualification.

21.—(1) In case of a vacancy by death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

Vacancies
how
filled.

(2) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly. 1920, c. 69, s. 22.

Vacancies
by disquali-
fication.

22.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat.

Members
of board
not to be
parties to
contracts,
etc.

(2) On the complaint of any ratepayer of the municipality or police village or school section, or of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the master in chambers shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. 1920, c. 69, s. 23.

Proceeding
to vacate
seat.

Saving
as to
newspaper
proprietors,
etc.

23. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1920, c. 69, s. 24.

Organization, Meetings and Records of the Board.

Chairman.

24.—(1) The board shall at the first meeting in February of each year elect one of its number as chairman, who shall hold office for one year, and he shall preside at meetings of the board when present, and in his absence a chairman may be chosen *pro tempore*.

Right to
vote.

(2) The chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived. 1920, c. 69, s. 25.

Regular
meetings.

25.—(1) The board shall hold regular meetings at least once in every month from February to June inclusive and from September to January inclusive and at such other times as it may think fit.

Special
meetings.

(2) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Quorum.

(3) The presence of a majority of all the members constituting a board shall be necessary for the transaction of business at any general or special meeting.

Records of
board.

(4) All orders and proceedings of the board shall be entered in books to be kept for that purpose and after confirmation by the board shall be signed by the chairman.

Evidence
of records.

(5) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be the originals thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceedings. 1920, c. 69, s. 26.

Accounts
and audit.

26.—(1) The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board.

Inspection
of books
by Minister.

(2) All books and records shall be open to the inspection of the Minister or to any person appointed to act on his behalf. 1920, c. 69, s. 27.

27. Subject to the regulations an annual report shall be transmitted to the Minister for each library on forms supplied for the purpose. 1920, c. 69, s. 28. Annual report.

Limitation on Capital Expenditure from Current Revenue.

28. A board shall not in any year purchase any land or erect any buildings or make any addition or alterations there-to and pay the cost thereof from current revenue without the authority of the municipal council if the cost exceeds a sum equal to one-fifth of the amount to which the board is entitled as a public library rate for the year. 1920, c. 69, s. 29. Limit of amount of expenditure on capital account.

Purchase and Ownership of Property.

29. Subject to the restrictions and provisions hereinafter contained, the board shall have power to acquire by purchase, expropriation, lease or otherwise, all lands required for library and branch library purposes, and to erect, lease or otherwise procure the necessary buildings therefor; and hold, maintain and repair the same; and shall have power, with the consent of the municipal council, to sell, exchange or otherwise dispose of any lands or buildings which may no longer be required for such purposes. 1920, c. 69, s. 30. Powers of board as to acquiring and holding property.

Branches, Distributing Stations,—Certain Special Features.

30. A board may establish and maintain one or more branch libraries, distributing stations, reading rooms, art galleries, museums, or any of them, in connection with the library, and may also establish, operate and maintain printing and binding bureaux, or any shop or plant for producing anything required for the library or its grounds. 1920, c. 69, s. 31. Establishment of branch libraries.

Purchase of Books, etc.

31. The board shall purchase books and may purchase newspapers, periodicals, magazines and other printed matter, maps, pictures and specimens illustrative of literature, arts and the sciences, and apparatus and facilities for illustrating by lantern or moving picture, and all other things required for the library, and shall do all things necessary for keeping the same in a proper state of preservation and repair, and shall provide the necessary fuel, lighting and other accommodations. 1920, c. 69, s. 32. Duty of board as to equipment of library.

Appointment of Officers.

32. Subject to the regulations the board shall appoint a librarian, a secretary and a treasurer, and may appoint such other officers and servants as may be required; but one person may be appointed to any two or more offices; all officers and servants shall hold office during the pleasure of the board. 1920, c. 69, s. 33. Appointments—librarian, secretary, etc.

Gratuities to
employees on
retirement.

33.—(1) The board of any public library established under this Part may, subject to approval of the municipal council, pay to any employee retiring by reason of advanced age, ill-health or other disability such gratuity or retiring allowance as the board may think proper, but such gratuity or retiring allowance shall not exceed the aggregate of the salary or other remuneration of such employee for the last three years of his service.

Super-
annuation
and insur-
ance funds
in cities of
over 50,000.

(2) The board of a public library in a city of more than 50,000 inhabitants may establish a fund for providing pensions or life insurance or both in the interest of the employees of the board with or without requiring contributions from such employees and may make from time to time such payments as may be necessary for the establishment and maintenance of such fund, but such fund shall not be established until the council of the city has by by-law approved of the proposed action of the board. 1925, c. 63, s. 3.

Rules.

Rules.

34.—(1) Subject to the regulations the board may make rules for the use of the library, reading-rooms and museums, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading rooms and of all property under its control; and may impose penalties for breaches of the rules, not exceeding \$10 for any offence.

Promulga-
tion of
rules.

(2) Such rules shall be binding on all persons concerned after they have been published once a week for at least two weeks in a newspaper published in the municipality or police village and if no newspaper is published therein, they shall be posted in a conspicuous place within the library, and the board shall have for distribution printed copies of the rules, or keep permanently posted the rules in written or printed form in a conspicuous place in the library. 1920, c. 69, s. 34.

Recovery of Value of Articles.

Right to
damages.

35. Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained from persons liable for the same. 1920, c. 69, s. 35.

Right to Close Library.

Closing
library for
limited
period.

36. Subject to the regulations the Minister upon the application of the board may authorize the board to close the library for a limited number of days when in the opinion of the board such closing is necessary or expedient. 1920, c. 69, s. 36.

Building may be Used for Special Purposes.

Permitting
use of
building.

37. A board may permit any part of its library buildings to be used for lectures or meetings to be held for patriotic,

charitable or educational purposes, but nothing in this section shall be construed to mean that a board may furnish free light and heat to any municipal body that may occupy a room or rooms in the library or to any other tenant. 1920, c. 69, s. 37.

Submission of Estimates.

38. The board shall submit to the municipal council or councils, and in the case of a school section not situate in an organized township, to the trustees of the school section, on or before the 1st day of March in each year a detailed estimate of the several sums required for the ensuing financial year to pay,—

- (a) the interest on any money borrowed, as hereinafter mentioned;
- (b) the amount required to be raised for the sinking fund, or to pay any instalment of principal and interest; and
- (c) the expense of maintaining and managing the libraries, reading-rooms, museums, evening classes and art schools under its control. 1920, c. 69, s. 38.

Public Library Rate.

39.—(1) The municipal council of a city, town, village or township, the council of the township or the councils of the townships in which a police village or school section is situate, or the trustees of a school section if the section is not situate in an organized township, in addition to all other rates and assessments levied and assessed shall levy and assess in each year a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed a rate on the dollar of taxable assessment that will yield more than fifty cents per capita of population of the municipality, police village or school section, as shown in the latest revised assessment roll, but by a vote of a majority of the council or board present and voting thereon, such rate may be increased to an amount to yield not more than seventy-five cents per capita of the population.

(2) Notwithstanding anything in this section the council of any municipality that prior to the 1st day of January, 1917, in any way whatsoever entered into any contract with any person, persons or corporation to expend annually not less than a stated sum for public library maintenance, by reason of receiving a gift, may levy and assess each year a public library rate sufficient to provide a sum to carry out the terms of the contract entered into. 1920, c. 69, s. 39.

Borrowing on Debentures.

When council may issue debentures on requisition of board.

40.—(1) Where a board requires the council to raise money for the purpose of acquiring a site, or purchasing, erecting or remodelling necessary buildings, and in the first instance, for obtaining books and other things required for the library, the council may, on the requisition of the board, raise such money by a special issue of debentures of the municipality, to be termed "Public Library Debentures" provided that the annual amount required for debt charges on the debentures with the annual debt charges for existing debentures does not exceed one-fourth of the public library rate claimable by the board for the year in which the requisition is made, and in the event of a council refusing to raise such sum by debentures, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts, in the manner provided by *The Municipal Act* and in the event of the assent of the electors being obtained, it shall be the duty of the council to pass a by-law for raising the amount in the manner provided by that Act but it shall not be necessary to submit such by-law to a vote of the electors.

Rev. Stat. c. 233.

Power to issue debentures without requisition.

(2) Notwithstanding anything hereinbefore provided in this Act, a municipal corporation may issue debentures for the purposes of this Act according to the provisions of *The Municipal Act*.

Provision for payment out of annual rate.

(3) During the currency of the debentures issued, the council shall withhold and retain, as a first charge on the annual rate the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

How moneys raised to be dealt with.

(4) All moneys levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon. 1920, c. 69, s. 40.

Gifts.

Grants from municipal councils.

41. The council of any municipality may at any time make a grant in money or lands or buildings to a board for public library purposes. 1920, c. 69, s. 41.

NOTE.—As to power of public library board to receive gifts, devises or bequests see *The Mortmain and Charitable Uses Act, Rev. Stat. c. 132, s. 13.*

Libraries to be Free.

No charge to be made except to non-residents.

42. All libraries established under this Part shall be open to the public free of charge provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library. 1920, c. 69, s. 42.

Free Access to Books.

43. The board shall permit the public to have free access to the circulating and reference books of the library but the board may, with the approval of the Minister, prohibit free access to any particular section of the library or to any class of books. 1920, c. 69, s. 43.

Public
to be
admitted
freely.

Age Limit Not Permitted.

44. No board shall make a rule for the establishment of an age limit for children who may receive library service. 1920, c. 69, s. 44.

Children
not to be
excluded.

Agreement for Service to Non-Residents.

45. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in any public library subject to the approval of the Board, and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate. 1920, c. 69, s. 45.

Use of
public
library
by teachers'
institute.

46. Every farmers' institute or women's institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or women's institute shall be entitled to use the library on the same terms as residents of the municipality in which the library is situate. 1920, c. 69, s. 46.

Affiliation
of farmers'
institute
or women's
institute.

Public Libraries Heretofore Established are Continued.

47. Every public library heretofore established or continued as a free public library under any Act respecting public libraries is continued and shall be subject to the provisions of Part I and Part III of this Act. 1920, c. 69, s. 47.

Public
libraries
continued.

PART II.

PUBLIC LIBRARY ASSOCIATIONS.

Establishment.

48. A public library association may be incorporated in the manner hereinafter provided, for the purpose of establishing a public library in any community situated in a municipality or school section that has no public library established under Part I of this Act. 1920, c. 69, s. 48.

Incorporation
of
association.

49. Ten or more persons, being British subjects and not less than twenty-one years of age, may form an association for establishing a public library by making a declaration in

Declaration—
registration
and
notice to
Minister.

duplicate on forms obtained from the Minister, and filing one copy with an affidavit of the due execution thereof in the office of the registrar of deeds for the registration division in which the public library is to be situated, and transmitting to the Minister one copy, with affidavit, and bearing the certificate of registration. 1920, c. 69, s. 49.

Fee of
registrar.

50. For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents. 1920, c. 69, s. 50.

Corporate
name.

51. The persons whose names are subscribed to the declaration, while they remain members, and all persons not under twenty-one years of age who become members of the association and while they remain so, shall be a body corporate to be known as "The Public Library Association" inserting the name of the unincorporated settlement, the village, the town, or the city as the case may be, in which the library is to be established but the name of a township or county may not be used and any name chosen shall be subject to the approval of the Minister. 1920, c. 69, s. 51.

Not to
establish
branch
libraries.

52. A library association may not establish a branch library, but, subject to the approval of the Minister, may establish one or more distributing stations. 1920, c. 69, s. 52.

Membership.

Who
may be
members.

53. The membership shall be composed of individuals and not families or other groups of persons, and a register of the membership shall be kept showing the names of the persons, the dates of joining or of renewal of membership, and of expiration of membership, and records of fees paid, and in the register it shall be indicated which persons are twenty-one years of age or over. 1920, c. 69, s. 53.

Persons
under age.

54. Any person, regardless of age, may become a member of the association, and all persons over fifteen years of age shall be granted membership on the payment of a uniform fee, but a special uniform fee may be fixed for children under fifteen years of age. 1920, c. 69, s. 54.

Only
British
subjects
eligible
to vote
or for
board.

55. No person shall vote or shall be elected as a member of the board who is not a British subject of the full age of twenty-one years. 1920, c. 69, s. 55.

Patrons.

56. Where any persons are granted free use of the library, such persons shall be considered as patrons and not as members of the association. 1920, c. 69, s. 56.

57. If from any source the association receives payment for free use of the library or for reduced fees for certain persons, the said persons shall be considered as patrons and not members of the association. 1920, c. 69, s. 57.

Patrons on
special
terms.

Board of Management.

58. The general management, regulation and control of the library shall be vested in and exercised by a board of management, which shall be composed of not less than five nor more than nine persons. 1920, c. 69, s. 58.

Board of
manage-
ment—
how
composed.

59. The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board. 1920, c. 69, s. 59.

First
election.

60. The members so elected shall hold office until their successors are elected. 1920, c. 69, s. 60.

Term of
office.

61. Three members shall form a quorum for transacting the business of the board. 1920, c. 69, s. 61.

Quorum.

62. On the third Monday in January in each year thereafter the members of the association shall hold their annual meeting and elect the members of the board for the year, and if for any reason it is not found practicable to hold the annual meeting on the third Monday in January the board shall arrange for the association to meet as soon thereafter as possible, giving notice to the members of the change of the date of meeting. 1920, c. 69, s. 62.

Annual
meeting.

63. The board shall, as soon after the election as is convenient, elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. 1920, c. 69, s. 63.

President,
secretary,
librarian,
etc.

64. In the case of a vacancy by death or resignation of a member, or by any cause other than the expiration of the term for which he was appointed, the remaining members of the board shall appoint a member of the association to fill such vacancy, but should the board be reduced to less than four in number, a meeting of the association shall be called for the purpose of filling the vacancies. 1920, c. 69, s. 64.

Vacancies.

65. A member of the board shall not transact, with the board of which he is a member, any business in which he has a pecuniary interest and a member violating the provisions of this section shall *ipso facto* vacate his seat and every contract or agreement entered into by the board in which any member thereof is so interested shall be null and void, but

Members
of board
not to be
interested
financially
in business
of library.

no person shall be disqualified from being a member of the board by reason only of being interested in a newspaper which is subscribed for or in which an advertisement is inserted by the board if payment is at the usual rates. 1920, c. 69, s. 65.

Notice of Meetings.

Mode of
giving
notice of
meetings.

66. Notice of any meeting of the association may be given by mailing a letter or postal card at least three days before the date set for such meeting to each member of the association, or by posting a notice in the library and in a prominent place not in the library for a period of at least two weeks before the date set for the meeting. 1920, c. 69, s. 66.

Board shall Provide Accommodation, etc.

Duties and
power of
board as
to buildings
and
equipment.

67. Subject to the regulations, the board shall provide suitable accommodations for the library, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, periodicals, newspapers and other reading matter for the library. 1920, c. 69, s. 67.

Rules and Records.

Rules.

68. The board shall make rules for the management and use of the library and reading-rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act or with the regulations as may be necessary for promoting the usefulness of the public library. 1920, c. 69, s. 68.

Minutes.

69. Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board. 1920, c. 69, s. 69.

Accounts.

70. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited for the year before the annual meeting of the association by two members of the association not members of the board, to be appointed by the chairman of the board. 1920, c. 69, s. 70.

Annual
report.

71. Subject to the regulations, an annual report shall be transmitted to the Minister on forms supplied for the purpose. 1920, c. 69, s. 71.

Inspection.

72. All books and records of the library shall be subject to the inspection of the Minister or anyone appointed for the purpose of inspection by the Minister. 1920, c. 69, s. 72.

Dissolution.

73.—(1) The Minister may effect a dissolution of a public library association where—

When association may be dissolved.

(a) the membership does not include five persons who are of the full age of twenty-one years and five other persons;

(b) no board has been organized for a period of one year.

(2) A public library association shall *ipso facto* become dissolved where—

When to become dissolved *ipso facto*.

(a) a board fails or neglects to keep the library open for one year;

(b) where a board fails to furnish an annual report as required by this Act or by the regulations, for two consecutive years.

(3) After the dissolution of the corporation the Minister may take possession of all its books, magazines, and periodicals, and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association. 1920, c. 69, s. 73.

Action by Minister after dissolution.

Where Library is Established Under Part I.

74. Where the establishing of a public library under Part I is proposed, the association may, at its annual meeting or at a special meeting to be called for the purpose, by resolution, declare that its assets and property shall be transferred to the public library board after the passing of a by-law under Part I, the board of the association shall transfer the assets and property to the public library board appointed under Part I, as directed in the resolution of the association, and after such transfer, the association shall be dissolved. 1920, c. 69, s. 74.

Transfer of assets on establishment of public library under Part I.

75. Where a library or a collection of books exists that was the property of an association which has been dissolved under this Part, and a public library has been established under Part I, the Minister may transfer to the public library board appointed under Part I the books of the former association and may transfer any money received as insurance on books of the former association that were destroyed or damaged by or through fire, and the custodian of the books and magazines or money or both shall transfer the said books or money or both as instructed by the Minister. 1920, c. 69, s. 75.

Transfer of books, etc., to board on dissolution of association.

Associations Continued.

Present
libraries
continued.

76. Every public library heretofore established or continued as a public library of a public library association under any Act respecting public libraries or mechanics' institutes is continued, and shall be subject to the provisions of Part II and Part III of this Act. 1920, c. 69, s. 76.

Libraries
which re-
quire per-
mission from
Minister.

77.—(1) Except as provided in Parts I and II, a lending or circulating library shall not be carried on without the permission in writing of the Minister, and the granting of such permission and the cancellation or suspension thereof at any time shall be at the discretion of the Minister.

Penalty.

(2) Every person who is the owner of or who conducts or manages a lending or circulating library without the permission mentioned in subsection 1 or after the cancellation or during the suspension thereof shall be guilty of an offence and shall incur a penalty of not less than \$10 or more than \$100 for every day or part of a day upon which the offence is committed or continues.

Not to affect
religious or
educational
institutions.

(3) Nothing in this section contained shall apply to or affect the lending or circulation of books, magazines, periodicals or other printed works by any religious body or incorporated educational institution. 1926, c. 56, s. 2.

PART III.

GENERAL PROVISIONS.

Provisions for Regulations.

Regula-
tions.

78. Subject to the provisions of any statute in that behalf, the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations—

- (a) for the apportionment and distribution of all money appropriated by the Legislature for public libraries, including grants, organization, services, cost of books, expenses and contingencies, library institutes, library schools and travelling libraries, special libraries and library associations;
- (b) for the establishment, organization, management, accommodations, and rules of public libraries;
- (c) for the establishment, organization, management, and courses of instruction of library schools, examinations of students, and for the issuance of certificates to successful students at library schools;

- (d) governing the qualifications of librarians and assistants and library clerks in public libraries;
- (e) for conducting the examinations and practical tests prescribed by the regulations and settling the results thereof;
- (f) for granting temporary, interim, special, permanent and renewed certificates of qualification to librarians and assistants;
- (g) for accepting such courses and examinations as the Minister may deem adequate for the academic and professional training of librarians and assistants;
- (h) to suspend or cancel any certificate of qualification granted by the Department;
- (i) for the appointment of an examination board for work in connection with examinations in librarianship and in the general education of candidates wishing to qualify as librarians and assistants, and for prescribing the fees to be paid to members of the examination board, other examiners and presiding officers;
- (j) for the management, use and circulation of the travelling libraries of the Department, and for prescribing the terms upon which they may be obtained by borrowers;
- (k) for the management and organization of library institutes. 1920, c. 69, s. 77.

Failure to Comply with Regulations.

79. Where a board in any year fails to comply with the regulations, the Minister may withhold the whole or any part of the Government grant payable to the board for that year. 1920, c. 69, s. 78.

Withholding grant on default of board.

Payments for Grants, Services and Equipment.

80. Subject to the regulations, the Minister may authorize to be paid out of any money appropriated for public libraries, grants, organization, services, cost of books, expenses and contingencies—

Payments out of legislative grant—what authorized.

- (a) grants to boards for public libraries and to branch public libraries;
- (b) salaries and expenses of officers of the Department employed in work in the interest of libraries in general, and in giving special instructions to boards and librarians;

- (c) the cost and preparation of books, pamphlets, blue-prints, plans of library buildings and of library equipment, engravings, models, manuscripts, photographs, lantern slides, moving-picture films, phonograph records, library supplies, library equipment, apparatus for demonstrating and illustrating library methods, and of such other apparatus or things for libraries or for promotion, organization and advancement of libraries as the Minister may deem necessary and useful;
- (d) the cost of experimenting in the interest of new and improved library methods, and of purchasing the copyright or copyright privileges of any publication useful in the promotion of librarianship and of libraries;
- (e) the cost of library publicity in the interest of libraries as institutions for popular education, and for the purpose of encouraging the establishing of libraries, including cost of publication, preparation of manuscripts, engravings, and the fees and expenses of speakers;
- (f) the expenses of librarians and other library experts to meet in conference with officials of the Department for the purpose of discussing library affairs, and of any librarian or other library expert to represent the Department at a convention, at a library, or at any place for the promotion of library interests;
- (g) expenses incurred in holding meetings of library institutes;
- (h) the cost of fees and expenses of members of an examining board in connection with examination work and with meetings for the discussion of examinations;
- (i) the cost of storage, packing and shipping of books upon which the Minister holds a claim. 1920, c. 69, s. 79.

Travelling Libraries.

Establish-
ment and
maintenance
of travelling
libraries.

81.—(1) Subject to the regulations, the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose, and may purchase books, pamphlets, pictures, phonograph records, maps, globes, charts, lantern slides, moving-picture films and lanterns and appliances, objects and specimens for illustrating the arts, sciences and literatures, book-cases and other containers, and library equipment, and may pay for transportation, rent and storage and librarian's service at distributing centres, and for publicity and for cataloguing, classifying and annotating

lists of books, and may employ and pay assistants to aid in circulating the libraries and to operate apparatus, demonstrate and lecture, and may pay the travelling expenses of the assistants and of persons appointed to perform librarian's service.

(2) Subject to the regulations, the Minister may extend the use of travelling libraries to schools, colleges, universities, other educational institutions and charitable institutions in the Province, and may procure the necessary requirements and organization to render special service to the schools and other institutions hereinbefore mentioned. 1920, c. 69, s. 80.

Extending use of travelling library to certain institutions.

Bureau of Home Study.

82. Subject to the regulations the Minister may establish a bureau of home study for the benefit of the people of the Province, and may pay the cost thereof from any money voted by this Legislature for public libraries or for travelling libraries, and may pay for—

Establishment and maintenance of courses of home study.

- (a) the compilation of reading courses by the specialists;
 - (b) the compilation and annotation of bibliographies;
 - (c) written lessons of instruction for study and practice.
- 1920, c. 69, s. 81.

Library Training Schools.

83. Subject to the regulations, money appropriated for library school purposes may be applied under the direction of the Minister, in providing schools and classes for the training of librarians and assistants, for holding examinations of persons desiring to qualify in librarianship and as assistants in libraries, and providing accommodation for such schools, classes and examinations, for the payment of the fees and expenses of the instructors and examiners, for providing supplies and equipment for such schools, classes and examinations, for the payment of the travelling expenses of students and travelling and board and lodging expenses of students holding positions in small libraries when the Minister deems it necessary or expedient, and for such other purposes in connection with the qualifications of librarians and assistants in libraries and the promotion of their efficiency and usefulness, as the Minister may deem necessary and expedient. 1920, c. 69, s. 82.

Application of appropriation for library training schools.

Library Institutes.

84. Subject to the regulations, the Minister may—

- (a) provide for the establishment of library institutes and for the holding of the meetings thereof;

Provision for establishment and meetings of library institutes.

- (b) employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;
- (c) pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute. 1920, c. 69, s. 83.

Janitor May be Appointed Constable.

Special
constable.

85. The judge of the county or district court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of constable. 1920, c. 69, s. 84.

Disorderly Conduct Punishable.

Misconduct
in public
library.

86. Any person who wilfully interrupts, or disquiets a public library, reading-room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall, for each offence incur a penalty not exceeding \$20, recoverable under *The Summary Convictions Act*. 1920, c. 69, s. 85.

Rev. Stat.
c. 121.

SCHEDULE.

FORM 1.

(Sections 4, 5 and 6.)

PETITION.

To the Municipal Council of

We, the undersigned electors of the said City of
 (or as the case may be), respectively, pray that a public library may
 be established in this municipality under *The Public Libraries Act*.

FORM 2.

(Sections 4, 5 and 6.)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY.

A by-law to provide for the establishment of a public library in the
 City of (or as the case may be).

Whereas electors have petitioned the council of the said City
 of (or as the case may be), praying for the establishment
 of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council that,—

1. In case the assent of the electors is given to this by-law a public
 library be established in this municipality in accordance with the
 provisions of *The Public Libraries Act*.

2. The votes of the electors shall be taken on this by-law on
 the day of 19 , commencing at o'clock in
 the forenoon and continuing until o'clock in the afternoon, at the
 undermentioned places: [*Here insert (1) the wards; (2) the polling
 sub-divisions; (3) the places for holding the poll and the names of
 the deputy returning officers*].

3. On the day of next, at his office in the
 at o'clock in the noon, the mayor (or reeve or as the case
may be), shall appoint in writing, signed by him, two persons to
 attend at the final summing up of the votes by the clerk, and one
 person to attend at each polling place on behalf of the persons
 desirous of promoting, and a like number on behalf of the persons
 desirous of opposing the passing of this by-law.

4. The clerk shall attend at the at the hour of
 o'clock in the noon, on the day of 19 ,
 to sum up the number of votes given respectively for or against the
 by-law.

A. B.,
 Mayor (or Reeve).

C. D.,
 Clerk.

Passed the day of 19 .

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken
 into consideration by the council of after one month from the
 day of 19 , being the date of the first publica-
 tion thereof, and the polls for taking the votes of the electors will be
 held at the hour, day and places named in the by-law.

FORM 3.

PETITION FOR ESTABLISHMENT OF PUBLIC LIBRARY IN SCHOOL SECTION.

(Section 8 (2.))

PETITION for the establishment of a Public Library in School Section (or School Sections) in.....

We, the undersigned, constituting a majority of the public and separate school supporters in the said section (or sections) pray that a public library may be established in and for the said school section (or sections) under and subject to the provisions of *The Public Libraries Act, 1920*.

Dated this.....day of..... 19....

| | | |
|---------------------------|------------|-----------|
| | Signatures | Addresses |
| Witness: } | | |
| Province of Ontario, | | |
| County (or District) of } | | |
| To Wit. | | |

I, of the..... of.....
(occupation)....., make oath and say:—

1. That I was actually present and did see the above petition signed by the persons whose names are thereto subscribed as petitioners.

2. That I believe the said petition to have been signed in good faith and that the signatories are all of them supporters of public or separate schools.

3. That I am a subscribing witness to the said petition.

Sworn before me at
the of
in the County (or District) of
this..... day of 19....

A Commissioner, etc.
(or J.P.).

I, of the..... of.....
being the clerk of the township of..... (or in the case of
unorganized territory being the secretary of the public school (or
separate school) board in school section No..... in the
township of..... or as the case may be) do certify,—

That I have examined the above petition and that the names subscribed thereto are the names of persons entitled to be and who are assessed as public and separate school supporters in school section No..... in the township of.....

That the number of names subscribed to the said petition constitute a majority of the public and separate school supporters in the said section.

Dated this.....day of..... 19....

.....
Clerk of the Township (or secretary of the board of
public or separate schools).